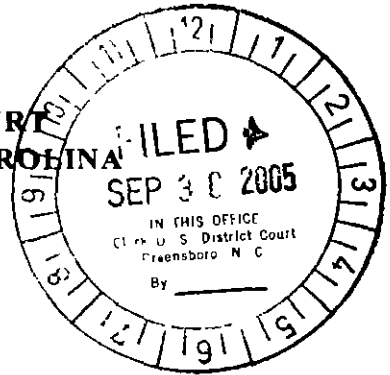


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



LAINE ALEXANDER,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

Civil Action No. _____

1:05CV00858

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

On September 12, 2005, Plaintiff Laine Alexander submitted a *pro se* complaint to this Court and requested that she be permitted to proceed in forma pauperis pursuant to 28 U S C § 1915(a). In her complaint, Plaintiff alleges that she is a victim of identity fraud because Defendant Bank of America wrongfully permitted other persons and entities to access her business account with Bank of America. Plaintiff seeks to sue Defendant Bank of America for consumer fraud and to sue "all persons linked to [her] accounts for slander, libel, defamation of character and loss of income." Plaintiff seeks monetary damages in the amount of ten million dollars.

In *Neitzke v Williams*, 490 U S 319 (1989), the United States Supreme Court held that a district court may dismiss the complaint of a *pro se* litigant under 28 U S C § 1915(e)(2)(B) when the complaint lacks "an arguable basis either in law or fact." *Id.* at 325. *Neitzke* explained that "[§ 1915(e)(2)(B)] accords judges not only the authority to

dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless " *Id.* at 327. Additionally, under *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992), a court may dismiss as frivolous in forma pauperis complaints whose factual allegations are fanciful, fantastic, delusional, irrational, or wholly incredible, but not those which are simply unlikely.

The Court concludes that Plaintiff Alexander's complaint is subject to dismissal under *Neitzke*. Here, Plaintiff's complaint against Bank of America contains a series of largely unintelligible allegations and utterly fails to provide any jurisdictional link to the Middle District of North Carolina. For the reasons set forth above, **IT IS RECOMMENDED** that Plaintiff's complaint be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B).

IT IS FURTHER ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this order.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: September 30, 2005